

Senate Bill 377

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to establish the office of natural resource law enforcement officer; to provide for the appointment of such officers; to provide for the qualifications of such officers; to provide for the provision of coverage for general liability and fidelity bonds; to provide for deputy natural resource law enforcement officers; to provide for the terms of such appointments; to provide for duties and powers; to redesignate conservation rangers as natural resource law enforcement officers; to amend Titles 12, 16, 35, 40, 47, and 52 of the Official Code of Georgia Annotated, relating to conservation and natural resources, crimes and offenses, law enforcement officers and agencies, motor vehicles and traffic, retirement and pensions, and waters of the state, ports, and watercraft, respectively, so as to conform other provisions of the Code; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by revising paragraph (8) of Code Section 27-1-6, relating to the powers and duties of the Department of Natural Resources generally, as follows:

"(8) To pay to each ~~conservation ranger~~ natural resource law enforcement officer the expenses incurred by such ~~ranger~~ officer in the performance of his or her duties;".

SECTION 2.

Said title is further amended by revising Code Section 27-1-16, relating to the establishment of unit of conservation rangers, as follows:

"27-1-16.

(a) Within the department is established a unit of peace officers to be known as ~~conservation rangers~~ natural resource law enforcement officers. All such ~~conservation rangers~~ natural resource law enforcement officers shall be at least 21 years of age. Such

unit of peace officers shall include, but not be limited to, the commissioner and other supervisory personnel; provided, however, that the commissioner and the director of ~~the~~ any division to which peace officer functions are assigned shall be excluded from the classified service under the State Merit System of Personnel Administration as provided for in Chapter 20 of Title 45 unless otherwise provided by law. The commissioner shall have the power to appoint such a number of ~~conservation rangers~~ natural resource law enforcement officers of the state at large from among the ranks of any job title within the department or, if hired on a part-time or temporary basis, from outside the department as may be necessary to carry out the duties assigned to them, who shall be charged with the law enforcement responsibilities pertaining to the department. Job titles of natural resource law enforcement officers shall include, but not be limited to, conservation rangers, wildlife technicians, regional wildlife supervisors, park managers, assistant park managers, park rangers, park enforcement officers, and environmental criminal investigators.

(b) After a ~~conservation ranger~~ natural resource law enforcement officer has accumulated 25 years of service with the department as a peace officer and upon leaving such department under honorable conditions, such ~~conservation ranger~~ natural resource law enforcement officer shall be entitled as part of his or her compensation to retain his or her weapon and badge pursuant to regulations promulgated by the commissioner.

(c) As used in this subsection, the term 'disability' means a disability that prevents an individual from working as a law enforcement officer. When a ~~conservation ranger~~ natural resource law enforcement officer leaves the department as a result of a disability arising in the line of duty, such ~~conservation ranger~~ natural resource law enforcement officer shall be entitled as part of such officer's compensation to retain his or her weapon and badge in accordance with regulations promulgated by the commissioner."

SECTION 3.

Said title is further amended by revising Code Section 27-1-17, relating to deputy conservation rangers, as follows:

"27-1-17.

(a) The ~~board~~ commissioner shall have the power to appoint deputy ~~conservation rangers~~. ~~No deputy conservation rangers may be appointed without actual duties relating to the protection of natural resources~~ natural resource law enforcement officers. All such deputy natural resource law enforcement officers shall perform their duties in accordance with the policies and procedures established to govern such deputy natural resource law enforcement officers while in the performance of their official duties and in accordance with all other policies and procedures governing the actions of all other peace officers within the department.

(b) ~~Deputy conservation rangers~~ natural resource law enforcement officers shall have all or part of the powers and duties of ~~conservation rangers~~ natural resource law enforcement officers, as assigned by the ~~board~~ commissioner. ~~Deputy conservation rangers who are not natural resource law enforcement officers shall not be employees of the department and shall receive no compensation for their services.~~ The ~~board~~ commissioner is authorized to appoint such number of deputy ~~conservation rangers~~ natural resource law enforcement officers as may be necessary to carry out the duties assigned to them.

(c) ~~Each deputy conservation ranger who is not an employee of the department shall personally secure a bond of not less than \$5,000.00 from a bonding or surety company licensed to transact business in the State of Georgia conditioned upon the faithful performance of his duties, payable to the department~~ The commissioner is authorized to provide general liability coverage and fidelity bond coverage for deputy natural resource law enforcement officers while they are rendering service to or on behalf of the department. Such officers may also be treated as employees of the state for the purposes of inclusion in any automobile liability insurance or self-insurance or fidelity bond coverage provided by the department for its employees while operating state owned vehicles.

(d) The ~~board~~ commissioner shall have the power to ~~adopt rules and regulations~~ establish policies and procedures concerning qualifications, appointments, badge, oath of office, and other matters pertaining to deputy ~~conservation rangers~~ natural resource law enforcement officers."

SECTION 4.

Said title is further amended by revising Code Section 27-1-18, relating to powers of conservation rangers generally, as follows:

"27-1-18.

(a) ~~Conservation rangers~~ Natural resource law enforcement officers shall have the power and authority:

(1) To enforce all state laws on all property owned or controlled by the department;

(2) To enforce all state laws pertaining to functions assigned to the department to include, but not be limited to, all laws pertaining to wildlife, boating, environmental protection, waste and litter control, parks, historic sites, natural areas, and coastal resource protection;

(3) To enforce any state law when the violation of that law is committed in conjunction with a violation of a state law pertaining to functions assigned to the department or while the person committing such violation is engaged in any activity which is regulated by or pertains to functions assigned to the department;

(4) To enforce any state law when ordered to do so by the Governor or to protect any life or property when the circumstances demand action; and

(5) At the expense of the department, to assist the Department of Public Safety and the Georgia Bureau of Investigation in carrying out their duties and responsibilities when requested to do so by the Department of Public Safety or the Georgia Bureau of Investigation.

(b) The commissioner may, and in the case of a request by the Governor shall, authorize and direct the department's ~~conservation rangers~~ natural resource law enforcement officers to cooperate with and render assistance to any law enforcement agency of this state or any municipality, county, or other political subdivision thereof in any criminal case, in the prevention or detection of violations of any law, or in the apprehension or arrest of persons who violate the criminal laws of this state, any other state, or the United States, upon a request by the governing authority or chief law enforcement officer of any municipality, the sheriff of any county, a judge of the superior court of any county, or the Governor."

SECTION 5.

Said title is further amended by revising Code Section 27-1-19, relating to power of conservation rangers and deputy conservation rangers to arrest persons, as follows:

"27-1-19.

(a) Notwithstanding any other provision of law to the contrary, ~~conservation rangers~~ natural resource law enforcement officers and deputy ~~conservation rangers~~ natural resource law enforcement officers, when authorized to do so by the ~~board~~ commissioner, may arrest persons accused of violating any law or regulation which such officers are empowered to enforce by the issuance of a citation, provided that the offense is committed in the presence of the officer or information concerning the offense constituting a basis for arrest was received by the arresting officer from a law enforcement officer observing the offense being committed. The arresting officer may issue to the person a citation which shall enumerate the specific charges against the person and the date upon which the person is to appear and answer the charges. Whenever an arrest is made by the arresting officer on the basis of information received from another law enforcement officer observing the offense being committed, the citation shall list the name of each officer, and each must be present when the charges against the offender are heard.

(b) If the person charged shall fail to appear as specified in the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of the person and commanding that he or she be brought before the court to answer the charge contained within the citation and the charge of his or her failure to appear as required. The person

1 shall then be allowed to make a reasonable bond to appear on a given date before the
2 court."

3 **SECTION 6.**

4 Said title is further amended by revising Code Section 27-1-20, relating to additional powers
5 of conservation rangers, as follows:

6 "27-1-20.

7 (a) In addition to the powers enumerated in Code Sections 27-1-18 and 27-1-19,
8 ~~conservation rangers~~ natural resource law enforcement officers shall have all the powers
9 previously vested in any other law enforcement officers within the department including,
10 but not limited to, the following:

11 (1) To enforce all laws, rules, and regulations pertaining to wildlife and to boating safety
12 and as otherwise provided;

13 (2) To execute all warrants and search warrants for the violation of the laws, rules, and
14 regulations pertaining to wildlife or to boating safety;

15 (3) To serve subpoenas issued for the examination, investigation, and trial of all offenses
16 against the laws, rules, and regulations pertaining to wildlife or to boating safety;

17 (4) To arrest without warrant any person found violating any of the laws, rules, and
18 regulations pertaining to wildlife or to hunting, fishing, or boating;

19 (5) To seize and take possession of all wildlife or parts thereof taken, caught, killed,
20 captured, possessed, or controlled or which have been shipped or are about to be shipped
21 at any time and in any manner or for any purpose contrary to the laws, rules, and
22 regulations pertaining to wildlife;

23 (6) To go upon property outside of buildings, posted or otherwise, in the performance
24 of their duties;

25 (7) To carry firearms while ~~performing duties pertaining to wildlife~~ in performance of
26 their assigned duties;

27 (8) To seize as evidence, without warrant, any device other than a boat, vehicle, or
28 aircraft when they have cause to believe that its possession or use is in violation of any
29 of the provisions of the laws or regulations dealing with wildlife. For the purposes of this
30 Code section, 'device' includes any light, hunting apparatus, or fishing or netting gear or
31 tackle;

32 (9) To enter and inspect any commercial cold storage warehouse, ice house, locker plant,
33 butcher shop, or other plant or building for the purpose of determining whether wildlife
34 is being kept or stored therein in violation of the wildlife laws or regulations; and

35 (10) To exercise the full authority of peace officers while in the performance of their
36 duties.

(b) Unless inconsistent with this title, whenever any statute pertaining to an agency whose functions are assigned to the department refers to law enforcement personnel of that agency, that reference applies to ~~conservation rangers~~ natural resource law enforcement officers."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 27-1-21, relating to seizure and disposal of wildlife illegally taken or possessed, as follows:

"(a) ~~Conservation rangers~~ Natural resource law enforcement officers, sheriffs, and other peace officers of this state or any political subdivision thereof shall seize any wildlife taken or possessed in violation of the wildlife laws and regulations of this state. Such wildlife shall be sold or disposed of in such manner as the commissioner may direct, in conformance with any rules and regulations promulgated by the board, at any time after the expiration of 30 days following the seizure, unless the owner thereof or the person in possession at the time of the seizure files a civil action against the State of Georgia, Department of Natural Resources, within 30 days following the seizure, in the state or superior court having jurisdiction in the county where the seizure was made. The person filing the action shall have the burden of proof, and the action shall be tried as other civil cases in such court. Items for which such an action has been filed shall be held pending the resolution of the action, provided that reasonable charges for storage shall be paid by the person filing the action in the event that such person does not prevail in the action."

SECTION 8.

Said title is further amended revising Code Section 27-1-24, relating to inspection of vessels and boats, as follows:

"27-1-24.

The provisions of this title or any rule or regulation adopted pursuant to this title pertaining to the operation of vessels or boats upon the waters of this state shall be enforceable by, in addition to ~~conservation rangers~~ natural resource law enforcement officers, agents of the Georgia Bureau of Investigation and other persons having responsibility to preserve the peace and enforce the laws of this state. Such persons shall have the authority to order any vessel or boat within the boundaries of this state to stop and lay to and shall have the authority to board, inspect, and examine the vessel or boat, its equipment, the wildlife on board, if any, and such documents, licenses, or other records which the vessel or boat is required to possess under this title and Code Sections 52-7-1 through 52-7-25 for the purpose of determining compliance with the provisions of such laws."

SECTION 9.

Said title is further amended by revising Code Section 27-1-25, relating to interference with arrest or performance of ranger's duties, as follows:

"27-1-25.

It shall be unlawful for any person to resist or interfere by force, menace, threat, or in any other manner with any arrest for violation of any wildlife law. It shall also be unlawful for any person to refuse to go with a ~~conservation ranger~~ natural resource law enforcement officer or deputy ~~conservation ranger~~ natural resource law enforcement officer after such an arrest has been made or to interfere with such ~~ranger~~ officer in the performance of his or her duty."

SECTION 10.

Said title is further amended by revising subsection (c) of Code Section 27-2-5, relating to required hunter education courses, as follows:

"(c) It shall be unlawful for any person age 16 through 25 who is not required by law to obtain a hunting license to hunt in this state unless that person carries on his or her person while hunting a certificate attesting to that person's satisfactory completion of a hunter education course as prescribed by the board. Such person shall present his or her certificate to a ~~conservation ranger~~ natural resource law enforcement officer or deputy ~~conservation ranger~~ natural resource law enforcement officer for inspection upon demand."

SECTION 11.

Said title is further amended by revising subsection (a) of Code Section 27-2-28, relating to refusing inspection of identification or license, as follows:

"(a) It shall be unlawful for any person who is required to have on his or her person any license, permit, or stamp issued under this title to refuse the inspection of such license, permit, or stamp upon demand by a ~~conservation ranger~~ natural resource law enforcement officer or deputy ~~conservation ranger~~ natural resource law enforcement officer. It shall also be unlawful for any such person, upon demand by a ~~conservation ranger~~ natural resource law enforcement officer or deputy ~~conservation ranger~~ natural resource law enforcement officer, to refuse to provide a driver's license or equally reliable identification of such person and his or her current residence."

SECTION 12.

Said title is further amended by revising subsection (c) of Code Section 27-3-9, relating to unlawful enticement of game, as follows:

"(c) When a ~~conservation ranger~~ natural resource law enforcement officer is aware or becomes aware that a clearly identifiable area of land or field is baited for doves in such a manner that hunting thereon would be a violation of subsection (b) of this Code section, it shall be the duty of the ~~conservation ranger~~ natural resource law enforcement officer to require the owner or other person having lawful possession or control of the baited area of land or field to remove such bait. The ~~conservation ranger~~ natural resource law enforcement officer shall require such owner or other person to erect on the area of land or field signs having printed thereon the words: 'No Hunting, Baited Field.' Such signs shall remain for ten days after bait is removed. The printing on such signs shall be clearly visible to a person with normal eyesight from a distance of at least 50 yards. A sufficient number of such signs shall be erected to provide reasonable notice to hunters that the field or area is baited. If the ~~conservation ranger~~ natural resource law enforcement officer cannot locate the owner or other person having lawful possession or control of the baited area of land or field, it shall be the duty of such ~~conservation ranger~~ natural resource law enforcement officer to erect such signs. The owner or other person having lawful possession or control of a baited area or field who fails to comply with an order of a ~~conservation ranger~~ natural resource law enforcement officer requiring the removal of bait or the erection of signs, or both, as required by this subsection shall be guilty of a misdemeanor. When a ~~conservation ranger~~ natural resource law enforcement officer is aware that a clearly identifiable area of land or field is baited in such a manner that hunting thereon would be a violation of subsection (b) of this Code section prior to any such violation, no charge may be brought against any person under subsection (b) of this Code section unless the provisions of this subsection have been followed. Nothing in this subsection shall be construed to preclude the owner or other person having lawful possession or control of a baited area or field from being charged with and convicted of a violation of subsection (a) of this Code section. Nothing in this subsection shall be construed to preclude a person's being charged with and convicted of a violation of subsection (b) of this Code section when such violation is on a baited area of land or field which was not previously identified by a ~~conservation ranger~~ natural resource law enforcement officer as provided in this subsection prior to such violation."

SECTION 13.

Said title is further amended by revising Code Section 27-3-47, relating to collision with deer by motor vehicle, as follows:

"27-3-47.

Any person who, while driving a motor vehicle, is involved in a collision with a deer shall, if the deer is killed, immediately notify the nearest ~~conservation ranger~~ natural resource law

1 enforcement officer or sheriff's office. If there exists a charitable institution or prison
2 within the county which can make use of the carcass, the ~~conservation ranger~~ natural
3 resource law enforcement officer may deliver the carcass to the institution for consumption
4 and shall obtain receipts therefor. If no such institution exists within the county and there
5 is no cause to question the accidental killing of the deer, the ~~conservation ranger~~ natural
6 resource law enforcement officer may, at ~~his~~ the officer's discretion, award the carcass to
7 the person who hit the deer, to be possessed and consumed only by the immediate family
8 of such person. Receipts shall be acquired for a deer so awarded."

9 SECTION 14.

10 Said title is further amended by revising Code Section 27-3-49, relating to killing of dogs
11 running deer, as follows:

12 "27-3-49.

13 (a) It shall be the duty of every ~~conservation ranger~~ natural resource law enforcement
14 officer to kill any dog pursuing or killing any deer in any locality other than that prescribed
15 by law or rules and regulations permitting such hunting, and no action for damages shall
16 be maintained against the ~~person~~ officer for such killing.

17 (b) It shall be unlawful for any person other than a ~~conservation ranger~~ natural resource
18 law enforcement officer, sheriff, or deputy sheriff to kill a dog wearing a collar, which dog
19 is or has been pursuing or killing a deer.

20 (c) It shall not be unlawful for any person to kill a dog which does not have a collar and
21 which is pursuing or killing deer in any locality other than that prescribed by law or rules
22 and regulations permitting such hunting, and no action for damages shall be maintained
23 against the person for such killing."

24 SECTION 15.

25 Said title is further amended by revising Code Section 27-3-63, relating to general offenses
26 and penalties relating to trapping, trappers, and fur dealers, as follows:

27 "27-3-63.

28 (a) It shall be unlawful for any person to:

29 (1) Trap any wildlife upon the right of way of any public road or highway of this state;

30 (2) Set, place, or bait any trap for the purpose of taking any wildlife upon the land or in
31 the waters adjoining the land of any other person, except during the open trapping season
32 for such wildlife, and then only after obtaining the written consent of the owner of the
33 land, which written consent shall be carried upon the trapper's person while engaged in
34 trapping;

(3) Trap any wildlife without inspecting the traps used for such purpose at least once during each 24 hour period and removing from the traps any wildlife caught therein;

(4) Trap any wildlife by the use of any trap or other device which is not legibly etched, stamped, or tagged by affixing a stamped metal tag showing the owner's permanent trapper's identification number as provided by the department or the owner's name. In the event that a trap or other device etched or stamped with the owner's permanent trapper's identification number or name is being used in the field by another, such trap or device must have attached to it a stamped metal tag with the user's permanent trapper's identification number or name. Any trap or other device found in use in the field which is not etched, stamped, or tagged as required by this paragraph may be confiscated and destroyed by the department through its officers and ~~conservation rangers~~ natural resource law enforcement officers;

(5) Ship or otherwise remove or cause to be removed from this state any raw or undressed hide, fur, pelt, or skin of any fur-bearing animal without first making a report to the department of the removal on forms to be furnished by the department for such purpose;

(6) Fail to carry a weapon of .22 caliber rimfire while tending traps and to fail to use such weapon to dispatch any fur-bearing animal found in a trap, which animal is to be taken by the person;

(7) Fail to carry a choke stick or similar device while tending traps, which device shall be used for releasing domestic animals;

(8) Set on land any trap with a jaw opening larger than 5 3/4 inches, provided that nothing in this Code section shall be construed to restrict the type of trap which may be used in water;

(9) Sell the fur, hide, or pelt of any domestic dog or cat caught by a trap;

(10) Sell the raw, undressed fur, hide, skin, or pelt of any fur-bearing animal unless the person has a current valid commercial trapping license or fur dealer license; or

(11) Set any body-gripping trap (as opposed to a leg-hold trap) of a size in excess of 9 1/2 inches square except in water or on land within ten feet of water, including swamps, marshes, and tidal areas.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor and shall be punished as for a misdemeanor, subject to a minimum punishment as follows:

(1) For the first offense, the offender shall be fined not less than \$100.00, except that this minimum fine shall not apply to the offender if he or she is 17 years of age or younger;

(2) For a second offense within a two-year period after the first offense, the offender shall be fined not less than \$300.00; or

(3) For a third offense and for each subsequent offense within a two-year period after the first offense, the offender shall be fined not less than \$750.00."

SECTION 16.

Said title is further amended by revising Code Section 27-3-68, relating to confiscation and disposal of unlawful devices relating to trapping, trappers, and fur dealers, as follows:

"27-3-68.

It shall be the duty of ~~conservation rangers~~ natural resource law enforcement officers to confiscate any trap, pitfall, deadfall, scaffold, catch, snare, net, salt lick, blind pig, baited hook, or other similar device used in violation of the wildlife laws, rules, and regulations and to dispose of same as directed by the commissioner."

SECTION 17.

Said title is further amended by revising Code Section 27-3-71, relating to reports and records of fur dealers, as follows:

"27-3-71.

(a) It shall be unlawful for any person to engage in business as a fur dealer unless the person files an annual report with the department not later than 60 days after the close of the trapping season. The report shall list the number of each type of hide, fur, skin, or pelt purchased during the preceding year, the date of purchase, the name of the person from whom purchased, and the person's trapping or raccoon fur seller's license number. The report shall be submitted on forms provided by the department. In addition, each fur dealer shall maintain in a legible manner on his or her business premises a listing of furs purchased during the license year showing each type of hide, fur, skin, or pelt purchased, the date of purchase, and the name of the person from whom purchased.

(b) ~~Conservation rangers~~ Natural resource law enforcement officers and other authorized representatives of the department shall be authorized to enter the premises of a fur dealer, during normal working hours and at any other time when the licensed activity is being conducted, for the purpose of inspecting the premises and the records maintained by the fur dealer pursuant to subsection (a) of this Code section.

(c) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 18.

Said title is further amended by revising Code Section 27-3-92, relating to transportation out of state of wildlife, as follows:

1 "27-3-92.

2 It shall be unlawful for any person, other than a carrier who has complied with Code
3 Section 27-3-94, to remove, ship, or transport wildlife out of this state except under the
4 following conditions:

5 (1) The person must have in his or her possession at the time of such removing, shipping,
6 or transporting the proper wildlife license or permit duly issued to such person by the
7 department;

8 (2) The person cannot remove from the state more than the bag or possession limits
9 established by law or regulation;

10 (3) The person shall make a sworn statement, duly attested to by an authorized officer
11 of this state, which statement shall show that the person has lawfully taken such wildlife
12 and that they are not for sale, except as otherwise permitted by the wildlife laws, rules,
13 and regulations, and shall show the number of wildlife being shipped, transported, or
14 removed from the state. One copy of the statement shall be given the carrier, if such
15 wildlife is being transported by carrier, and one shall be attached to the wildlife being
16 shipped, transported, or removed from the state; and

17 (4) The person shall submit his or her license or permit and sworn statement to any
18 sheriff, deputy sheriff, or ~~conservation ranger~~ natural resource law enforcement officer
19 for inspection when requested to do so."

20 SECTION 19.

21 Said title is further amended by revising Code Section 27-4-2, relating to fishing in waters
22 or from lands of another without permission, as follows:

23 "27-4-2.

24 It shall be unlawful for any person to fish in the waters or from upon the lands of another
25 without first having obtained permission from the landowner or person in charge of such
26 lands, provided that nothing contained in this Code section shall be construed to apply to
27 the fishing or taking of fish, other than oysters, clams, and other shellfish, in any of the
28 salt-water creeks, streams, or estuaries leading from the Atlantic Ocean or from the sounds,
29 rivers, or bays surrounding the several islands of this state. It shall also be unlawful for any
30 person to obstruct or interfere with the right of any other person to fish in these salt-water
31 creeks, streams, or estuaries leading from the Atlantic Ocean or from the sounds, rivers, or
32 bays surrounding the several islands of this state. ~~Conservation rangers~~ Natural resource
33 law enforcement officers, sheriffs, deputy sheriffs, and all other peace officers of this state
34 or of any county or municipality thereof shall enforce this Code section."

SECTION 20.

Said title is further amended by revising subsection (c) of Code Section 27-4-5, relating to methods for taking fish generally, as follows:

"(c) Notwithstanding subsection (a) of this Code section, it shall be lawful to use seines, nets, and chemicals in a pond if all the owners of a pond desire that such be done and if a local ~~conservation ranger~~ natural resource law enforcement officer is notified at least two hours in advance of the use, provided that it shall not be lawful to use such seines, nets, and chemicals in an oxbow lake. For purposes of this Code section, an 'oxbow lake' means a lake formed in an abandoned river channel which has become separated from the main stream by a natural change in the river."

SECTION 21.

Said title is further amended by revising Code Section 27-4-7, relating to the use of gill nets, as follows:

"27-4-7.

(a) Except as otherwise provided by law or rule and regulation, it shall be unlawful for any person to use a gill net in any of the fresh waters or salt waters of this state at any time, provided that it shall be lawful for properly licensed fishermen to use such nets in the taking of shad and sturgeon in accordance with Code Section 27-4-71, subsection (d) of Code Section 27-4-91, and all other laws and rules and regulations applicable to the taking of such fish. All nets ~~violative~~ used in violation of this Code section found in the fresh waters or salt waters of this state or in the possession of any person on or around fresh water or salt water shall be seized by ~~conservation rangers~~ natural resource law enforcement officers or other peace officers of this state. Nets so seized shall be confiscated and shall become the property of the department and shall be disposed of as the commissioner shall direct.

(b) Except for sturgeon taken in accordance with subsection (d) of Code Section 27-4-91, it shall be unlawful to land in this state any of the species of fish enumerated in Code Section 27-4-130.1 which were taken by means of a gill net. For purposes of this subsection, 'to land' fish means to bring the fish to shore in this state in the boat or vessel utilized in taking the fish by means of a gill net, regardless of the jurisdiction from which the fish were taken."

SECTION 22.

Said title is further amended by revising subsection (d) of Code Section 27-4-76, relating to licensing of wholesale and retail fish dealers, as follows:

"(d) The ~~conservation rangers~~ natural resource law enforcement officers or other agents or officials of the department shall confiscate any fish imported, purchased, or acquired by any person in violation of this Code section or any regulation promulgated by the board pursuant to this Code section."

SECTION 23.

Said title is further amended by revising subsection (b) of Code Section 27-4-92, relating to lawful baskets for fresh water fishing, as follows:

"(b) It shall be unlawful to fish with baskets in fresh-water flowing streams. It shall also be unlawful to fish with a basket without notifying the ~~conservation ranger~~ natural resource law enforcement officer in the area of the time and place such basket is to be used."

SECTION 24.

Said title is further amended by revising subsection (a) of Code Section 27-4-150, relating to taking, possessing, and dealing in crabs and peelers, as follows:

"(a)(1) It shall be unlawful for any person to take or possess in this state any crab, other than a mature adult female crab, measuring less than five inches from spike to spike across the back; provided, however, that any person may take or possess peelers measuring at least three inches from spike to spike across the back. Any crabs taken or possessed in violation of this paragraph may not be intentionally killed and must be returned to the salt waters of this state as soon as possible; provided, however, nothing in this paragraph shall prohibit any person from importing, transporting, or possessing crabs when such person can provide documentary evidence showing that the crabs were taken outside this state in full compliance with the laws of the state of origin. He or she must have an executed invoice showing the point of origin of such crabs and exhibit such an invoice upon demand to any ~~conservation ranger~~ natural resource law enforcement officer."

SECTION 25.

Said title is further amended by revising subsection (h) of Code Section 27-4-151, relating to the use of crab traps, as follows:

“(h) Any commercial crab trap in violation of this Code section is declared to be contraband and subject to seizure by ~~conservation rangers~~ natural resource law enforcement officers, sheriffs, and other peace officers authorized to enforce this title.”

SECTION 26.

Said title is further amended by revising Code Section 27-4-199, relating to evidence of intent to use shellfish as food, as follows:

1 "27-4-199.

2 (a) The distribution, sale, or possession with intent to distribute or sell any shellfish shall
3 be prima-facie evidence that the shellfish were intended for use as food unless prior written
4 approval from the department authorizing such possession of shellfish is presented.

5 (b) ~~Conservation rangers~~ Natural resource law enforcement officers and other authorized
6 personnel of the department are authorized to take samples from, to enter and have access
7 to, and to examine during normal working hours and at any time when the licensed or
8 authorized activity is being conducted all shellfish beds, places of business, and other
9 places where shellfish are grown, kept, stored, sold, or held in possession with intent to
10 distribute, sell, or give away. Such personnel are also authorized at any time to take such
11 samples of shellfish as are necessary to carry out the purposes of this article and to have
12 access to and take samples from all streams, tributaries thereof, and lands adjacent thereto,
13 the waters draining from which may come into contact with shellfish. It shall be unlawful
14 for any person to obstruct or in any way interfere with any ~~conservation ranger~~ natural
15 resource law enforcement officer or other authorized personnel of the department in
16 carrying out the purposes of this article.

17 (c) Prior to and at point of landing ~~conservation rangers~~ natural resource law enforcement
18 officers and other authorized personnel of the department are authorized to seize,
19 confiscate, and remove any and all shellfish discovered which were taken or possessed in
20 violation of this article. Whenever a ~~conservation ranger~~ natural resource law enforcement
21 officer or other authorized personnel of the department believes that shellfish examined
22 may have been taken, contained, or stored in such a manner that may render the shellfish
23 adulterated, misbranded, tainted, or otherwise which may pose a public health problem, the
24 ~~conservation ranger~~ natural resource law enforcement officer or other authorized personnel
25 of the department is authorized to seize, confiscate, and remove any and all shellfish. Such
26 shellfish shall be destroyed or returned to the resource according to methods as the
27 department may prescribe."

28 SECTION 27.

29 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
30 resources, is amended by revising Code Section 12-5-289, relating to inspection of
31 marshlands, as follows:

32 "12-5-289.

33 The department, through its officers, staff, and ~~conservation rangers~~ natural resource law
34 enforcement officers, shall, in addition to its other duties prescribed by law, make
35 reasonable inspections of the marshlands to ascertain whether the requirements of this part

1 and the rules, regulations, and permits promulgated or issued under this part are being
2 faithfully complied with."

3 **SECTION 28.**

4 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
5 amended by revising Code Section 16-10-24, relating to obstructing or hindering law
6 enforcement officers, as follows:

7 "16-10-24.

8 (a) Except as otherwise provided in subsection (b) of this Code section, a person who
9 knowingly and willfully obstructs or hinders any law enforcement officer in the lawful
10 discharge of his or her official duties is guilty of a misdemeanor.

11 (b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
12 officer, prison guard, correctional officer, probation supervisor, parole supervisor, or
13 ~~conservation ranger~~ natural resource law enforcement officer in the lawful discharge of his
14 or her official duties by offering or doing violence to the person of such officer or legally
15 authorized person is guilty of a felony and shall, upon conviction thereof, be punished by
16 imprisonment for not less than one nor more than five years."

17 **SECTION 29.**

18 Said title is further amended by revising subsection (h) of Code Section 16-11-129, relating
19 to license to carry pistol or revolver, as follows:

20 "(h) *Licenses for former law enforcement officers.* Except as otherwise provided in Code
21 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
22 of the 12 years immediately preceding the retirement of such person as a law enforcement
23 officer shall be entitled to be issued a license as provided for in this Code section without
24 the payment of any of the fees provided for in this Code section. Such person must comply
25 with all the other provisions of this Code section relative to the issuance of such licenses.
26 As used in this subsection, the term 'law enforcement officer' means any peace officer who
27 is employed by the United States government or by the State of Georgia or any political
28 subdivision thereof and who is required by the terms of his or her employment, whether by
29 election or appointment, to give his or her full time to the preservation of public order or
30 the protection of life and property or the prevention of crime. Such term shall include
31 ~~conservation rangers~~ natural resource law enforcement officers."

SECTION 30.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by revising Code Section 35-4-2, relating to definitions regarding the Georgia Police Academy, as follows:

"35-4-2.

As used in this chapter, the term:

(1) 'Academy' means the Georgia Police Academy.

(2) 'Police officer' means any law enforcement officer charged with the duty of enforcing the criminal laws and ordinances of the state or of the counties or municipalities of the state who is employed by and compensated by the state or any county or municipality of the state or who is elected and compensated on a fee basis. The term shall include, but not be limited to, members of the department, municipal police, county police, sheriffs, deputy sheriffs, wardens, guards, agents and investigators of the State Forestry Commission, ~~conservation rangers~~ natural resource law enforcement officers of the Department of Natural Resources, and agents of the Department of Revenue.

(3) 'State' means the State of Georgia and any department, board, bureau, commission, or other agency thereof."

SECTION 31.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsection (f) of Code Section 40-2-86.10, relating to special license plates for police officers wounded in the line of duty, as follows:

"(f) For the purposes of this Code section, the term 'police officer' shall mean any law enforcement officer charged with the duty of enforcing the criminal laws and ordinances of this state, any other state, or the United States or of the counties or municipalities of this state or any other state who is employed by and compensated by the United States, the state, or any county or municipality of the state. The term shall include, but not be limited to, municipal police, county police, sheriffs, deputy sheriffs, wardens, guards, agents of the Georgia Bureau of Investigation, members of the uniform division of the Department of Public Safety, agents and investigators of the State Forestry Commission, ~~conservation rangers~~ natural resource law enforcement officers of the Department of Natural Resources, agents of the Department of Revenue, agents of the Federal Bureau of Investigation, agents of the federal Drug Enforcement Administration, and agents of the federal Secret Service."

SECTION 32.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by revising paragraph (1) of subsection (b) of Code Section 47-2-110, relating to retirement ages for the Employees' Retirement System of Georgia, as follows:

"(b)(1) Effective July 1, 1983, no member of the retirement system may be required to retire because of age except the following members:

(A) Those employed as prison guards by the Department of Corrections;

(B) Those employed by the Uniform Division of the Department of Public Safety as officers and troopers;

(C) Those employed by the Department of Natural Resources as ~~conservation rangers~~ natural resource law enforcement officers;

(D) Those employed by the Department of Revenue as alcohol and tobacco officers or agents;

(E) Those employed as officers or agents of the Georgia Bureau of Investigation;

(F) Those employed by the Department of Transportation as enforcement officers prior to July 1, 2001;

(G) Those employed by the Department of Motor Vehicle Safety as enforcement officers on or after July 1, 2001; and

(H) Those employed by the State Board of Pardons and Paroles as parole officers as well as other employees of said board who possess the power of arrest."

SECTION 33.

Said title is further amended by revising subsection (b) of Code Section 47-2-111, relating to retirement allowance for members of the Employees' Retirement System of Georgia subject to involuntary separation, as follows:

"(b) Any other provision of this chapter to the contrary notwithstanding, any member employed by the Uniform Division of the Department of Public Safety as an officer, a noncommissioned officer, or a trooper; by the Georgia Bureau of Investigation as an officer or agent; by the Department of Natural Resources as a ~~conservation ranger~~ natural resource law enforcement officer; or by the Department of Revenue as an alcohol and tobacco officer or agent or as an officer or agent of the Special Investigations Unit shall be eligible to retire at age 55 if he or she has the minimum number of years of creditable service provided in Code Section 47-2-110, and upon retirement such member shall be paid not less than the service retirement allowance which would have been payable to such member upon service retirement at age 65 without a change in compensation and with the same number of years' creditable service to which such member is entitled at the time of retirement."

SECTION 34.

Said title is further amended by revising Code Section 47-2-221, relating to disability allowances payable to personnel for certain disabilities arising in the line of duty, as follows: "47-2-221.

(a)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123, any member in service of the Uniform Division of the Department of Public Safety, any ~~conservation ranger~~ natural resource law enforcement officer of the Department of Natural Resources, any officer or agent of the Georgia Bureau of Investigation, and any alcohol and tobacco officer or agent of the Department of Revenue who, while a contributing member of this retirement system and upon becoming permanently disabled due to an act of external violence or injury incurred in line of duty, becomes eligible for disability retirement allowances shall, upon making written application to the board of trustees either personally or through his or her employer and after a medical examination and upon certification by the medical board that such member is, in their opinion, permanently disabled, be entitled to a monthly allowance as computed on the member's life expectancy without option. Such monthly allowance as shall be payable to the member only, during his or her life or length of disability, shall not exceed 80 percent of the service allowance that would have been payable to the member had he accumulated not more than 30 years of creditable service and had retired at age 65. Such allowance shall be computed on the basis of the member's monthly earnable compensation for the month in which his or her permanent disability occurred. Such permanent disability retirement shall apply regardless of the length of service of any such member; and such member shall be deemed to have acquired 30 or more years of creditable service. In addition, a member so disabled in the line of duty shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per month for each year of creditable service as a member of the Uniform Division of the Department of Public Safety, ~~conservation ranger~~ natural resource law enforcement officer of the Department of Natural Resources, alcohol and tobacco officer or agent of the Department of Revenue, or as an officer or agent of the Georgia Bureau of Investigation. Such additional monthly supplemental benefit shall in no event exceed \$150.00 per month. Any other provision of law to the contrary notwithstanding, any member of the Uniform Division of the Department of Public Safety who retired prior to July 1, 1970, as a result of becoming permanently disabled due to an act of external violence or injury incurred in the line of duty and who was a member of the retirement system on the date of the injury or act of violence shall be entitled to and shall receive the monthly supplemental benefit provided for in this subsection.

(2) In lieu of the foregoing, any member so disabled in the line of duty shall be entitled to receive a minimum monthly disability retirement benefit equal to 2 percent of his or her monthly earnable compensation for the month in which his or her permanent disability occurred for each year of creditable service determined as though he or she had continued in service in the Uniform Division of the Department of Public Safety, as a ~~conservation ranger~~ natural resource law enforcement officer of the Department of Natural Resources, as an alcohol and tobacco officer or agent of the Department of Revenue, or as an officer or agent of the Georgia Bureau of Investigation until his or her mandatory retirement age.

(b)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123, any employee of the Department of Natural Resources appointed as a deputy ~~conservation ranger~~ natural resource law enforcement officer under Code Section 27-1-17, any parole officer employed by the State Board of Pardons and Paroles, and any probation officer employed by the Department of Corrections who, while a contributing member of this retirement system and upon becoming permanently disabled due to an act of external violence or injury incurred in the line of law enforcement duty, becomes eligible for disability retirement allowances shall, after a medical examination and upon certification by the medical board that such member is, in their opinion, permanently disabled, be entitled to a monthly allowance as computed on the member's life expectancy without option. Such monthly allowance as shall be payable to the member only, during his or her life or length of disability, shall not exceed 80 percent of the service allowance that would have been payable to the member had he or she accumulated not more than 30 years of creditable service and had retired at age 65. Such allowance shall be computed on the basis of the member's monthly earnable compensation for the month in which his or her permanent disability occurred. Such permanent disability retirement shall apply regardless of the length of service of any such member; and such member shall be deemed to have acquired 30 or more years of creditable service. In addition, a member so disabled in the line of law enforcement duty shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per month for each year of creditable service as an employee of the Department of Natural Resources who has been appointed as a deputy ~~conservation ranger~~ natural resource law enforcement officer under Code Section 27-1-17, parole officer of the State Board of Pardons and Paroles, or probation officer of the Department of Corrections. Such additional monthly supplemental benefit shall in no event exceed \$150.00 per month.

(2) In lieu of the foregoing, any member so disabled in the line of law enforcement duty shall be entitled to receive a minimum monthly disability retirement benefit equal to 2 percent of his or her monthly earnable compensation for the month in which his or her

1 permanent disability occurred for each year of creditable service determined as though
2 he or she had continued in service as a deputy ~~conservation ranger~~ natural resource law
3 enforcement officer, probation officer, or parole officer until his or her mandatory
4 retirement age."

5 SECTION 35.

6 Said title is further amended by revising subsection (e) of Code Section 47-2-224, relating
7 to mandatory retirement age and monthly retirement benefits for certain members of the
8 Department of Natural Resources and of the Department of Revenue, as follows:

9 "(e) The Board of Natural Resources may waive the mandatory retirement ages specified
10 in this Code section for ~~conservation rangers~~ natural resource law enforcement officers as
11 necessary to permit members who entered such service in the department on or before
12 June 30, 1965, to complete service sufficient to provide them with 25 years of total
13 creditable service. Such a member shall be retired on the last day of the month following
14 the month in which he or she completes such service. The Board of Natural Resources, in
15 its discretion, may waive the mandatory retirement ages specified in this Code section for
16 ~~conservation rangers~~ natural resource law enforcement officers in a supervisory
17 classification upon application of such members or upon the initiation by the board of
18 trustees, provided that such waivers to members in a supervisory classification shall not be
19 extended to such members who have reached 60 years of age."

20 SECTION 36.

21 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
22 watercraft, is amended by revising subsection (d) of Code Section 52-7-25, relating to
23 enforcement of laws concerning the registration, operation, and sale of watercraft, as follows:

24 "(d) Any person employed or elected by this state or a political subdivision thereof, whose
25 duty it is to preserve the peace or to make arrests or to enforce the law, including, but not
26 limited to, members of the sheriffs' departments, state ~~patrolmen, and conservation rangers~~
27 patrol officers, and natural resource law enforcement officers, are empowered to enforce
28 this article. The Department of Natural Resources shall be primarily responsible for
29 enforcement of this article and the rules and regulations issued under this chapter."

30 SECTION 37.

31 All laws and parts of laws in conflict with this Act are repealed.